

Applicant : Paul G. Yock
Appl. No. : 10/691,900
Examiner : Francis J. Jaworski
Docket No. : 701470.4086

Remarks

Claims 1-8 are pending, of which claim 1 is independent. Claim 1 has been amended, and the applicants respectfully submit that the claims, as amended, are now in condition for allowance.

The applicant acknowledges that pending claims 1-8, as originally filed, were identical to the claims of U.S. Patent No. 6,764,450. Thus, to overcome the examiner's rejection under 35 U.S.C. Sect. 101, the applicant has amended independent claim 1 to claim a different invention supported by the specification. The applicant notes that the added limitation came from independent claim 9, which is a claim cancelled in response to a previous restriction requirement. This amendment was brought to the examiner's attention in an informal interview held on August 16, 2005 as a possible shifting of inventions. The applicant respectfully acknowledges that the examiner approved of the amendment under MPEP 819.01 during the informal interview.

The current amendment was not made in response to the examiner's rejection under 35 U.S.C. Sect. 103 over Eggleton et al. (US Patent No. 3,779,234) in view of Seo (US Patent No. 4,191,193), and the amendment is not to be construed as an admission to the examiner's 35 U.S.C. Sect. 103 rejection. Nonetheless, the applicant notes that neither cited reference, either by themselves, or in combination, teach, disclose, or suggest having a micromotor disposed within the distal portion of an elongate tubular member of an imaging catheter, wherein the micromotor is configured to rotate an imaging device also coupled within the distal portion of the tubular member.

Moreover, the applicant further notes that the cited reference, Seo, is directed to a catheter that measures pressure, such as blood pressure, in the living body, and is not directed to an imaging catheter.

Accordingly, the applicant respectfully submits that independent claim 1, as amended, and its dependent claims, 2-8, are now in condition for allowance.

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Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

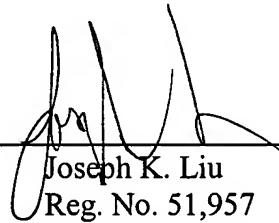
The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: August 29, 2005

By: _____


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